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C O N F I D E N T I A L TUNIS 001379

SIPDIS

STATE FOR NEA/MAG, NEA/FO, NEA/PI, DRL

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TAGS: [PHUM](#) [PGOV](#) [KPAO](#) [KMPI](#) [KDEM](#) [TS](#)

SUBJECT: MEETING WITH SAMIA ABBOU

REF: TUNIS 1282 AND PREVIOUS

Classified By: Ambassador William Hudson for reasons 1.5 (b) and (d)

1. (C) Summary: Abbou supporters continue to seek USG intervention in the case of jailed lawyer/activist Mohamed Abbou (ref A). According to his wife, Abbou refused to bring his case before the Supreme Court because it would be giving too much legitimacy to what he and his supporters believe is a farcical judicial system. Mrs. Abbou holds out some hope that her husband will be released under an amnesty that could be announced July 25, Tunisian national day, but says her husband refused a deal which offered him a pardon in exchange for signing a statement of guilt. Post will continue to raise this case at senior levels of the GOT. Meanwhile, the GOT-controlled local press widely publicized measures offered by President Ben Ali to improve lawyers' working conditions, in an apparent attempt to co-opt or divide the unified lawyers association. End Summary.

2. (C) Pol Counselor and HROff met with Samia Abbou, wife of jailed lawyer/activist Mohamed Abbou, and Faithi Jerbi, professor/activist on June 22 to get an update after Abbou's sentence of three and a half years was upheld in appellate court on June 10 (ref A). Mrs. Abbou said her husband and his supporters had decided not to take the appeal to the Supreme Court because it would simply lend legitimacy to the justice system which Jerbi says is "controlled by police." Both urged that the U.S. exert stronger public pressure on the GOT for Abbou's release; Jerbi said the case should be considered in the context of wider U.S. democratization efforts in the region. Jerbi mentioned that when the State Department spokesmen issued a statement on Abbou on May 5, the transcript was enlarged into a banner and hung on the wall of the building where lawyers in support of Abbou were holding a 52-day sit-in.

3. (C) Mrs. Abbou and Jerbi claimed there was a small possibility that Abbou would be released under a general amnesty that could come around July 25, Tunisia's Republic Day. Abbou said that if her husband was not pardoned on July 25, they would both begin a hunger strike. (Abbou recently went on hunger strike to protest a ban on visits by his lawyers, but he ended it shortly thereafter upon resumption of visiting privileges.) Mrs. Abbou also claimed a judge had offered a deal on behalf of the GOT, which would have allowed Mohamed Abbou's immediate freedom if he signed a statement of guilt and apology. She was adamant that this deal was not even considered by her or her husband. Jerbi further alleged that if Mohamed Abbou signed a letter of apology, the GOT would publicize it widely, and seek to discredit him in other ways. Jerbi opined that the GOT underestimated the reaction to the Abbou case, especially among the lawyer community.

4. (SBU) Meanwhile, all local press on June 23 featured a front page article featuring a meeting between President Ben Ali and the Minister of Justice, citing "new presidential measures in favor of lawyers." The measures listed include the development of computerized administration of the Ministry of Justice, space for children and families in the courtroom, a move to improve insurance and housing benefits of magistrates and Ministry of Justice employees, the announcement of the conclusions of a presidential commission on "the creation of a higher institution of the bar" and a commission on social security for lawyers, and a vague initiative to "extend the field of intervention of lawyers to new areas, and to draft related legal texts".

5. (C) COMMENT: We plan to raise Abbou's plight with Americas and Asia Director Atallah in the next few days, indicating our concern that the case, which centers on freedom of expression, has become a focal point for anti-GOT commentary during the few months before the World Summit on the Information Society (WSIS). In what is a fairly traditional move to co-opt and infiltrate strong, non-RCD associations, the GOT widely publicized Ben Ali's offer to improve lawyers' working conditions, seeking through the same announcement to weaken public sympathy for the lawyers' cause. But some lawyers argue that these largely superficial initiatives do not address the true concern of the lawyers behind Abbou: that the Tunisian judicial system is politicized and the rule of law is ignored in favor of heavy government intervention in individual cases. Thus, they will have little effect on the newly energized legal community. END COMMENT.

